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Amendment dated February 3, 2004
Reply to Office Action of November 3, 2003

REMARKS/ARGUMENTS

The above identified Office Action has been received, the references carefully considered, and the Examiner's comments carefully weighed. Additionally, applicant had a phone interview with the Examiner on this date with regard to the matters discussed herein. As discussed below, it is contended that all bases of rejection set forth in both the Office Action have been traversed and overcome. Accordingly, reconsideration and withdrawal of the rejections is respectfully requested.

Rejections under 35 U.S.C. 112

According to the Office Action, Claim 16 is being rejected as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicant has clarified this claim by the above amendment, and therefore requests that this rejection be withdrawn.

With respect to Claim 10, the Examiner rejected this claim as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has clarified this claim by the above amendment, and therefore requests that this rejection be withdrawn.

As a result of the clarifying amendment to Claim 10 discussed above, Claim 11, which is dependent on Claim 10, has been amended so that it is in acceptable form.

Accordingly, in view of the amendments, applicant respectfully requests the rejections under 35 U.S.C. 112 to be withdrawn.

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Rejections under 35 U.S.C. 102

According to the Office Action, Claims 1, 2, 4, 5, 6, 10, 12 – 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Onozaki (JP 11-280548). In this regard, the Examiner indicates that Onozaki discloses an oil pan for an engine comprising: a plurality of substantially parallel, spaced-apart reinforcement channels extending from adjacent a first end (23) of the oil pan to adjacent a second end (thinner area) of the oil pan, each channel having a base and two sides and an open top, the channels tapering downwardly from the first end and the second end towards an accumulation area (see Fig. 1 flat circular portion 28) of the oil pan.

Applicant respectfully traverses each of the aforesaid grounds for rejection under 35 U.S.C. 102, for the reasons set forth below.

Discussion of the Onozaki Reference

Applicant respectfully submits that Onozaki does not disclose "the channels tapering downwardly from the first end and the second end towards an accumulation area (see Figure 1 flat circular portion 28)". Applicant respectfully submits that the channels disclosed in Onozaki do not extend downwardly to the flat circular portion 28 as the Examiner has indicated. As seen in Figure 2 of Onozaki, the channels extending from the end of the "thinner area" (proximate number 24 of Figure 2) extend in an upward direction toward both the flat circular portion which is not numbered and the flat circular portion 28.

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Figure 1 of Onozaki shows that the channels are solely in the bottom wall part 25 and do not extend onto rear wall part 24. Furthermore, Figures 2 and 4 of Onozaki clearly show that the channels extend upwardly from rear wall part 24. As such, the channels cannot be considered to be "tapering downwardly from the first end and the second end towards an accumulation area of the oil pan" as required in Claim 1 of this application.

Additionally, the oil pan configuration of Onozaki teaches away from the invention in this application. Claim 1 requires that the oil pan comprise "a plurality of substantially parallel, spaced-apart reinforcement channels." Onozaki does not disclose "reinforcement channels" as required in Claim 1 of this application. Onozaki discloses "respective reinforcing ribs 11, 12" as shown in all of its Figures (specifically see Figure 1). As disclosed in Onozaki, these "respective reinforcing ribs 11, 12" "improve the rigidity of a boundary part of the deep bottom part 2 and the shallow bottom part 3." However, as disclosed in this Application, the reinforcement channels "increase powertrain bending resistance, rigidity and torsional stress resistance" (see page 5, ¶ 26). The channels as disclosed by Onozaki do not perform any reinforcement functions and, as such, cannot be considered "reinforcement channels" as required by Claim 1.

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Arguments in Support of Allowance over the Onozaki Reference

As discussed above, applicant respectfully submits that Claim 1 is allowable since Onozaki does not disclose the limitations of Claim 1. As such, all of the dependent claims from Claim 1 should also be allowable.

Rejections under 35 U.S.C. 103

According to the Office Action, Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Onozaki (JP 11-280548), as applied to Claim 1, in view of Hofbauer et al (USPN 4,296,716). In this regard, the Examiner indicates Onozaki discloses all of the instantly claimed invention except the reinforcement channels are V-shaped. The Examiner also indicates Hofbauer et al shows reinforcement channels that are V-shaped. The Examiner then concludes that it would have been obvious to one having ordinary skill in the art to combine the teachings of Onozaki and Hofbauer et al so as to form the channels in a V-shape.

Applicant respectfully traverses each of the aforesaid grounds for rejection under 35 U.S.C. 103, for the reasons set forth below.

Discussion of the References at Issue

As discussed above, applicant respectfully submits that Onozaki does not disclose an oil pan for an engine comprising: a plurality of substantially parallel, spaced-apart reinforcement channels extending from adjacent a first end (23) of the oil pan to adjacent a second end (thinner area) of the oil pan, each channel having a base and

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two sides and an open top, the channels tapering downwardly from the first end and the second end towards an accumulation area (see Fig. 1 flat circular portion 28) of the oil pan.

Hofbauer et al. discloses an oil pan having two different chambers. One chamber is located at a distance above the bottom of the other chamber. One chamber serves to rapidly warm up an oil quantity while the other chamber serves to cool oil. The portion of Hofbauer et al. referenced by the Examiner discloses that the bottom region of the oil pan (the oil cooling chamber) may be provided with ribs or corrugations 15 extending in the direction of travel however, for an oil pan mounted to a transversely mounted engine.

Arguments in Support of Allowance

Applicant respectfully submits that the Hofbauer reference fails to suggest reinforcement channels which extend downwardly from the first end and the second end towards an accumulation area of the oil pan. Applicant respectfully submits that the combination of Hofbauer and Onozaki does not teach the Applicant's invention since neither Onozaki nor Hofbauer suggest reinforcement channels which extend downwardly from the first end and the second end towards an accumulation area of the oil pan.

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Rejection under 35 U.S.C. 103

According to the Office Action, Claims 7-9, and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Onozaki (JP 11-280548), as applied to Claim 1, in view of Takubo (USPN 4,770,276). In this regard, the Examiner indicates Onozaki discloses all of the instantly claimed invention except the planar portion which is adaptable to releasably receive thereon a horizontal portion of a substantially L-shaped cover plate. The Examiner also indicates Takubo shows a planar portion adapted to releasably receive thereon a horizontal portion (28) of a substantially L-shaped cover plate. The Examiner then concludes that it would have been obvious to one having ordinary skill in the art to combine the teachings of Onozaki and Takubo so as to modify the oil pan of Onozaki with a cover plate for the purpose of reinforcing the mounting of the oil pan to the transmission.

Applicant respectfully traverses each of the aforesaid grounds for rejection under 35 U.S.C. 103, for the reasons set forth below.

Arguments in Support of Allowance

Applicant respectfully submits that the Takubo reference fails to suggest reinforcement channels which extend downwardly from the first end and the second end towards an accumulation area of the oil pan. Applicant respectfully submits that the combination of Takubi and Onozaki does not teach the Applicant's invention since neither Onozaki nor Takubi suggest reinforcement channels which extend downwardly from the first end and the second end towards an accumulation area of the oil pan.

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ENTRY OF AMENDMENT AFTER FINAL

It is respectfully submitted that the present amendment should be entered in accordance with the provisions of 37 C.F.R. Section 1.116 on the grounds that: (1) The claims as now presented are in better form for appeal purposes, if necessary; (2) no new issues have been raised; (3) and, moreover, the present amendment is believed to place the application in condition for allowance.

CONCLUSION

In light of the above amendments and remarks, it is respectfully submitted that applicant has responded in a fully satisfactory manner to all matters at issue in this Application, and that this Application is now in condition for allowance. In this regard, applicant has made every effort to comply with the requirements set forth in the Office Action as well as the statutory requirements. Accordingly, applicant respectfully requests that the Examiner enter this Amendment, allow the Claims, and pass the

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Application to issue.

Respectfully submitted,



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